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Application No. 09/736,952
Amendment dated
Office Action dated August 30, 2006

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REMARKS

Claims 1, 3-15, 17, 19-20, 24, 26-27, 31-32 and 35-42 are pending. By this Amendment, Claims 1, 4, 15, 19, 26 and 31 are amended, and Claims 18 and 43-44 are canceled. Claims 2, 16, 21-23, 25, 28-30 and 33-34 were previously canceled.

Applicant gratefully acknowledges the courtesy extended by the Examiner to Applicant's representative during the 30 November 2006 telephonic interview, during which the Von Kohorn and Rowe references were discussed with respect to Claims 1, 4, 9 and 11.

Applicant notes that the reference "Killer Content..." by Tomsen, cited in the Information Disclosure Statement received by the Patent Office on April 13, 2001, has not yet been considered and made of record. The full reference is in the Image File Wrapper of this application, as verified by inspection through Private PAIR. Applicant requests the Examiner to return an initialed Form PTO-1449 with the next communication to indicate that this reference has been formally considered and made of record.

Claim Rejection – 35 U.S.C. §103

Claims 1, 3-15, 17-20, 24, 26-27, 31-32, and 35-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Von Kohorn (U.S. Patent No. 5,227,874) in view of Rowe et al. (U.S. Patent No. 6,792,615, hereinafter "Rowe").

With respect to dependent Claim 4 and with present application to independent Claims 1 and 19, the Examiner cites Von Kohorn at C2/L43-64. However, this cited section of Von Kohorn merely discloses that viewers may select an advertised product or provide an answer to a question, which is then evaluated. If the selection or answer is found to be correct or acceptable, then a discount coupon is printed for the viewer. However, this cited section Von Kohorn fails to disclose or suggest that a promotion is provided to a viewer based on a merchant's product volume information. Thus, Von Kohorn fails to disclose or suggest that product data which is correlated to determine whether to provide a promotion, includes *data indicative of merchant product volume*

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information, as recited in Claim 1, and similar features recited in independent Claim 19, independent Claim 31 and dependent Claims 35-37. Rowe fails to overcome these deficiencies of Von Kohorn.

With respect to dependent Claim 9 and with present application to independent Claim 15, the Examiner cites Von Kohorn at Figure 33 (described for example at C101/L30-64), and also cites Figure 18 and C57/L41-C58/L21. In particular, the Examiner notes the user record 1018. Figure 33 illustrates that in a step 1007, a cumulative record of products selected is printed, and 1018 apparently represents cumulative records of selected products and associated stimuli (see, e.g. C101/L30-34 and C102/L13-14), which can be collected by an organization that also performs record tabulation (see e.g., C102/L11-12 and C101/L57-59). Figure 18 shows a response unit 210A including a memory 594. The memory 594 stores signals from different components of the response unit 210A, in particular from registers 598, a scoring logic unit 370, and an accumulator 386 of the response unit 210A (see, e.g. C57/L54-56). However, Von Kohorn discloses simply printing the cumulative record 1018. Von Kohorn does not disclose or suggest *comparing* a user's current transaction with stored promotions previously received by the user, to determine whether any of the stored promotions might also *apply to the current transaction*, and then presenting all stored promotions that would apply to the current transaction. Von Kohorn further fails to disclose or suggest receiving a command to apply at least one of the provided (stored) promotions, and removing information relating to the applied at least one promotion. Accordingly, Von Kohorn fails to disclose or suggest to "*compare a user's current transaction conducted via the broadcast segment to promotion information stored in a storage unit associated with the user, the promotion information corresponding to at least one promotion previously provided to the user, if the at least one promotion corresponding to promotion information stored in the user's storage unit is applicable to the user's current transaction, provide all applicable promotions to the user, process a second command sent from the user input device to apply at least one of the provided promotions to the user's current transaction, and remove information related to the applied at least one promotion from the storage unit*", as recited in Claim 15 and similar features recited in Claims 9 and 38-40. Rowe fails to overcome these deficiencies of Von Kohorn.

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With respect to Claim 11, and with present application to independent Claims 26 and 31, the Examiner cites Von Kohorn at C107/L29-42. This section of Von Kohorn teaches that an advertiser can arrange a single advertisement in a single newspaper, so that "the results of the single advertisement can be measured over any desired units of time". For example, the number of coupons requested and redeemed within 12 hours following the advertisement, can be tabulated. Von Kohorn also discloses that the time period can be 24 hours, or 48 hours, or a week, or a month (see e.g. Von Kohorn at C107/L39-42). However, Von Kohorn fails to disclose or suggest correlating promotions with a user's entries in a calendar. For example, Von Kohorn fails to disclose or suggest correlating a user's calendar with a promotion and then displaying both the promotion and a corresponding entry in the user's calendar, such as a spouse's birthday, so that the promotion can be used to purchase a birthday gift for the spouse, as shown in Figure 6 of the present application and described for example in the specification at page 19, lines 1-10. Accordingly, Von Kohorn fails to disclose or suggest *correlating the promotion with a calendar entry in a calendar of a user, and displaying the promotion together with the calendar entry to the user*, as recited in Claim 11, and similar features recited in Claims 26, 31, and 41-42. For example, Von Kohorn fails to disclose or suggest *"correlating information from a plurality of merchants with data on usage of the interactive video casting system by a viewer and with a calendar of the user to determine a promotion to provide to the viewer with a matching entry from the user's calendar, providing information related to the promotion to the viewer together with the matching entry from the user's calendar"* as recited in Claim 31. Rowe fails to overcome these deficiencies of Von Kohorn.

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Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Dated:

Respectfully submitted,

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